

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT TROHA and FREDERICK BIGNALL,)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

Civil Action No. 05-191 E

THE UNITED STATES OF AMERICA,)

Defendant.)

**DEFENDANT’S UNOPPOSED MOTION TO ENLARGE THE PAGE LIMIT FOR ITS
SUMMARY JUDGMENT BRIEF**

Defendant United States hereby moves for an enlargement of the Court’s 25-page brief limit by up to 10 pages for its summary judgment brief, which is due by January 19, 2007. In support thereof, Defendant states as follows:

1. This is a class action in which the named plaintiffs, for themselves and on behalf of the certified class, allege that the United States has taken their ownership interest in an 18.9-mile railroad right-of-way by operation of the National Trails System Act, 16 U.S.C. § 1241 et seq.

2. Pursuant to the Court’s scheduling Order of November 27, 2006 (Doc. 24), as amended by the Order of January 9, 2007 (Doc. 30), the parties are briefing the question of liability in this class action through the filing of cross-motions for summary judgment.

Defendant’s opposition and cross-motion for summary judgment, and supporting memorandum, is due by January 19, 2007.

3. Resolution of the question of liability in this case requires an examination of both federal and Pennsylvania state law to determine the nature and scope of the Plaintiffs' ownership interest in the subject right-of-way, and to determine whether the uses of that right-of-way authorized by the federal Trails Act constitute a taking of Plaintiffs' interest. Defendant finds that the standard 25-page limit used by the Court is insufficient to fully and adequately address these issues. For this reason, Defendant respectfully requests that the page limit for its summary judgment brief be enlarged by 10 pages to allow Defendant to file a memorandum of up to 35 pages.

4. Defendant has contacted Plaintiffs' counsel of record regarding this motion and Plaintiffs have consented to the motion and to the enlargement requested herein.

Dated: January 17, 2007

Respectfully submitted,

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment & Natural Resources Division

s/Kristine S. Tardiff
KRISTINE S. TARDIFF (NH10058)
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
53 Pleasant Street
Concord, NH 03301
TEL: (603) 230-2583
FAX: (603) 225-1577

KELLE S. ACOCK (TX24041991)
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 663
Ben Franklin Station
Washington, DC 20044-0663

